

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

LYENESHA REMBERT,
Plaintiff,

v.

ORDER
13-CV-638A

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

The above-referenced case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1)(B). On March 11, 2014, Magistrate Judge Scott filed a Report and Recommendation, recommending that plaintiff's motion for judgment on the pleadings (Dkt. 16) be granted in part, for the limited purpose of vacating the Commissioner's determination and remanding the case for a full assessment of intellectual disability under Listing 12.05. Magistrate Judge Scott recommends that the plaintiff's motion be denied without prejudice to the extent that it seeks any other relief. It is further recommended that the Commissioner's motion (Dkt. 11) be denied.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, plaintiff's motion is granted in part, for the limited purpose of vacating the Commissioner's determination

and the case is remanded for a full assessment of intellectual disability under Listing 12.05. Plaintiff's motion is denied without prejudice to the extent that it seeks any other relief. The Commissioner's motion for judgment on the pleadings is denied.

The Clerk of Court shall take all steps necessary to close the case.

IT IS SO ORDERED.

Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: March 31, 2014